

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:00cv637
	)	
DANIEL GREEN; L.W.G. CO., INC. f/k/a	)	Hon. Susan J. Dlott
GREEN INDUSTRIES, INC.; THE	)	
ESTATE OF MAURICE GREEN; and	)	
DANIEL GREEN IN HIS CAPACITY AS	)	
THE PERSONAL REPRESENTATIVE OF	)	
THE ESTATE OF MAURICE GREEN;	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
SAUNDRA GREEN, wife of	)	
DEFENDANT DANIEL GREEN, and	)	
OMNI INDUSTRIAL PROPERTIES, INC.,	)	
	)	
Rule 19 Defendants.	)	
	)	

**UNITED STATES’  
NOTICE OF LODGING OF CONSENT DECREE**

The United States of America, by and through its undersigned attorneys, respectfully lodges the attached proposed Consent Decree with this Court.

1. The United States, on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), filed a complaint in this matter against L.W.G. Co., Inc. (“LWG”) pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607, as amended (“CERCLA”), seeking

reimbursement of response costs incurred or to be incurred for response actions taken or to be taken at or in connection with the release or threatened release of hazardous substances at a site formerly owned by Green Industries, Inc., located at 3603 East Kemper Road in Sharonville, Hamilton County, Ohio (“the Site”).

2. The United States amended its Complaint, alleging that LWG had fraudulently transferred certain real property to Omni Industrial Properties, Inc. (“Omni”) in violation of Section 3304(b) of the Federal Debt Collections Procedure Act, 28 U.S.C. §3304(b). The amended Complaint added Omni as a Rule 19 Defendant.

3. A proposed Consent Decree has been signed by authorized representatives of LWG and Omni.

4. The Court should not enter the attached proposed Consent Decree until the public has had an opportunity to comment and the United States has addressed those comments, if any.

5. In accordance with 28 C.F.R. § 50.7 (1996), following the lodging of the proposed Consent Decree, the United States Department of Justice will publish notice of the Consent Decree in the Federal Register to commence a thirty-day comment period.

6. If the United States receives any public comments, it will consider and file with the Court any written comments on the proposed Consent Decree along with the United States’ response to those comments.

7. The United States may withdraw or withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest.

8. At the conclusion of the public comment period, the United States will either: (1) notify the Court of its withdrawal of the proposed Consent Decree, or (2) respond to comments received and move this Court to enter the proposed Consent Decree.

9. This commenting procedure is also identified and articulated in the proposed Consent Decree itself. See Consent Decree, Paragraph Nos. 30 and 31.

Wherefore, the United States respectfully gives notice of the lodging of the Consent Decree.

Respectfully submitted,

RONALD J. TENPAS  
Acting Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice

Dated: December 7, 2007

/s/ Jeffrey A. Spector  
JEFFREY A. SPECTOR  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044  
(202) 514-4432

GREGORY G. LOCKHART  
United States Attorney  
GERALD F. KAMINSKI (OO12532)  
Deputy Civil Chief  
Office of the United States Attorney  
221 East Fourth Street, Suite 400,  
Cincinnati, OH 45202  
Tel: (513) 684-3711  
Fax: (513) 684-6710

OF COUNSEL:

RICHARD R. WAGNER  
Associate Regional Counsel  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604  
(312) 886-7947

**CERTIFICATE OF SERVICE**

I, Jeffrey A. Spector, an attorney, certify that on December 7, 2007, I electronically filed the foregoing **United States' Notice of Lodging of Consent Decree** with the Clerk of the Court using the CM/ECF system which shall send notification of such filing to the following:

Nancy J. Bride  
Gerald Francis Kaminski  
David A. Owen  
David J. Schmitt

/s/ Jeffrey A. Spector  
JEFFREY A. SPECTOR  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044  
(202) 514-4432